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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,532	06/14/2001	Jeffrey A. Pritchard	42252-1004	8145

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT PAPER NUMBER

2642

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,532

Applicant(s)

PRITCHARD, JEFFREY A.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on April 12, 2005 has been entered. Claims 1-2, 8-9, 11-15, 17, 19-26, and 29-35 have been amended. No claims have been canceled. No claims have been added. Claims 1-35 are still pending in this application, with claims 1, 2, 23, 24, 29, 34, and 35 being independent.

### ***Claim Rejections - 35 USC § 102***

2. Claims 2-6, 10, 12, 20-23, 29 and, 30-32, and 35 rejected under 35 U.S.C. 102(e) as being anticipated by Schlager et al (US PAT # 6,198,390).

Regarding claim 2, Schlager teaches a mobile wireless communications device (remote station 302, see col. 12, lines 1-2, see also, Fig. 7 and 8) that provides location-based responses (see col. 6, lines 25-28), the mobile wireless communications device in communication with a positioning system (336, see Fig. 11, also, col. 12, lines 18-20), the mobile wireless communications device comprising: an antenna (reads on antenna 306 and/or antenna 322, see col. 12, lines 1-8) for receiving location information from the positioning system; a memory unit (reads on circuit 328, see col. 12, lines 11-13) for storing at least one target location (reads on the separation distance, see col. 11, lines 55-57); a target range area (the range area reads on the received field, see col. 12, lines 39-46) centered on the at least one target location, and at least one target response corresponding to at least one target location (see col. 7, lines 49-57 and col.

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8, lines 60-67); a user input device for inputting the at least one target message (see col. 9, lines 18-20); and controller (see element 378 in Fig. 12) connected to antenna and the memory unit, the determining unit (reads on the navigational receiver 304) for determining a location of the mobile handheld device utilizing the location information received from the positioning system (336) via the antenna (see col. 12, lines 18-23), the controller determining whether the determined location is within the range area (see col. 12, lines 16-48), an output unit for outputting the at least one target response (reads on display 324 in Fig. 11, col. 12, line 9, see also, col. 10, lines 65-67), if the controller determines that the determined location of the mobile wireless communications device is within a target range area that is centered on the target location.

Claims 29, 23 and 35 are rejected for the same reasons as discussed above with respect to claim 2. For the claimed limitation of "user input for inputting an area range" recited in claim 23, see col. 9, and lines 18-20.

Regarding claim 3, Schlager teaches a global positioning system (GPS), see col. 3, lines 57-60.

Regarding claims 4, 5, and 6, Schlager teaches the positioning system includes a wireless communications network (540), a cellular communications network (538). See also (col. 15, lines 38-47).

Regarding claim 10, Schlager teaches the target range area is time sensitive (see col. 21, lines 54-65). Also this is inherent.

Claim 12 is rejected for the same reasons as discussed above with respect to claim 2. Claim 12 basically reads on providing an audible alarm 254 (see col. 11, lines 55-59).

Regarding claim 20, Schlager teaches the target location is a plurality of target locations (this can read on storing several geographical areas information, see col. 20, lines 22-65).

Claims 21-22 and 30-32 are rejected for the same reasons as discussed above with respect to claim 20. Storing more than one target range area and more than one response is inherent in Schlager system.

***Claim Rejections - 35 USC § 103***

3. Claims 1, 7-9, 11<sup>13-14</sup>, 24-28 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager.

Regarding claim 1, Schlager teaches a communication network (see Fig. 17, wireless communications network 540, a cellular communications network 538); a mobile handheld device (remote station 302, see col. 12, lines 1-2, see also, Fig. 7 and

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Fig. 8) for communicating with the communications network, the mobile handheld device comprising: a transceiver (reads on transmitter 16 and receiver 18, see col. 6, lines 19-22) for wireless communications with the communications network; a GPS receiver (reads on element 210, see col. 10, line 60) circuit for receiving location information for a location of the mobile handheld device; a memory circuit (reads on circuit 328, see col. 12, lines 11-13) for storing at least one target location (reads on the separation distance, see col. 11, lines 55-57), at least one range area centered on the target location (see col. 12, lines 16-48), a user input device for inputting the at least one target message (see col. 9, lines 18-20), a determining circuit (this reads on circuit 216, see col. 10, lines 56-67) connected to the GPS receiver circuit, the determining circuit for determining the location of the mobile handheld device utilizing the location information from the GPS receiver; and a display (324 in Fig. 11, col. 12, line 9, see also, col. 10, lines 65-67) for displaying the at least one target message if the determined location of the mobile handheld device is within the at least one range area.

Schlager does not exactly teach a system for providing location-based messaging, which includes a target message.

However, the messaging feature can read on the audible alarm (332) notification that will be provided to the child, user, or patient, in the case of drifting away from the base station or in the case when they entering a prohibited area range (see col. 11,

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lines 55-59, col. 12, lines 44-47, and col. 13, lines 45-54) or it may read on the response message, see col. 6, lines 25-28, lines 66-67, and col. 7, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have any kind of notification (audible or text) provided to users when they are currently within a specific range area. Having an audible alarm service the same purpose of providing a text message.

Claims 11, 13-14, 24, and 33-34 are rejected for the same reasons as discussed above with respect to claim 1. Schlager teaches mobile wireless communications network, (see wireless communications network 540, col. 15, lines 38-47). Also, claim 13 recites "the target response includes e-mailing a programmed message". This is obvious since messages can be pre set and programmed, so they can be sent to the required location at any time desired.

Regarding claim 7, Schlager teaches the mobile wireless communications device is a wireless handheld communications device (remote station 302, see col. 12, lines 1-2, see also, Fig. 7 and 8). However, Schlager does not specifically teach the wireless handheld communications device is a laptop, a pager, or a PDA. Therefore, having the mobile wireless communications device as a laptop computer with a wireless modem, a pager or a personal digital assistant (PDA) would have been obvious since a mobile device can be any one of the above mobile wireless communications devices that the

user can carry with him/her at any time and place.

Claims 8-9 recite the limitations “the target range area is programmed as a two-dimensional shape, and as a three-dimensional space”. This is obvious since one can program the target range area in any shape and space desired. An area is generally two-dimensional and a building is generally three-dimensional because the height is a dimension in buildings.

Claim 25 recites “deleting the displayed target message after acknowledging the displayed target message”. This is obvious, since there is no need to store or keep a message that has been viewed by the user.

Claims 26-27 are rejected for the same reasons as discussed above with respect to claim 1. Also, claims 26-27 basically read on providing the user an option for automatically deleting the message after a certain period of time if the message has not been deleted manually (by the user). This feature is obvious and well known in the art. Simply this reads on the voice mail system prompting the user whether he/she likes to save or delete this message.

Claim 28 recites “disabling the target message includes the step of disabling the target message as long as the mobile wireless device remains within the target range area corresponding to the displayed target message”. This is obvious. Logically when a



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message is going to be disabled at some point manually (by the user) or automatically (by the system), it is better to be deleted at the target location. After ensuring that the message was received and acknowledged by the user.

4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager in view of Weber et al (US PAT # 6,343,212).

Regarding claims 15-19, Schlager does not exactly teach changing a level of a control parameter of the mobile wireless communications device, which includes lowering a volume of a ringing device of the mobile wireless communications device.

However, Weber teaches protecting a predetermined area from the disturbing usage of mobile terminals (e. g. cell phones) of a wireless communication system. Mode change information is sent over a system information message of a broadcast channel to change the operating mode (e. g. to deactivate) of the mobile terminal. The mobile terminal transmits an alarm signal to the user if the user is approaching a predetermined protected area (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of switching the mobile phone from a first mode (ringing) to a second mode (silent or vibrate), as taught by Weber, into the Schlager system in order to prevent the disturbance of a ringing cell phone in certain

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areas such as restaurants, meeting rooms or even hospitals to prevent causing an inconvenience to others.

Regarding claim 18, Weber teaches a ringing mode, and wherein the second mode is a vibrating mode (see col. 4, lines 46-49).

### ***Response to Arguments***

5. Applicant's arguments filed 04/21/2005 have been fully considered but they are not persuasive.

Applicant argues that responses in Schlager are actually responses "preprogrammed into the device by monitoring party, whereas the applicant claims a user-controlled inputted target and target response". As previously discussed above and in the previous office action, a response from any kind, whether is audible or text or even visual supposedly serving the same purpose. Of course all responses have to be preprogrammed and chosen to fulfill the user desires and needs. A user may want to program a response or a message to alarm him/her in the event of hazard, a user may program a reminder to silence his phone when he walks into a meeting, or even send a reminding message or alarm to pick up a loaf of bread from the grocery store at 5:00 pm.

Other arguments are already addressed in the above rejection.


**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Examiner**  
**Rasha S. Al-Aubaidi**  
**Art Unit 2642**  
**07/20/2005**

  
**AHMAD MATAR**  
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